

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 530 of 2001

with

SPECIAL CIVIL APPLICATION No 11415 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the concerned : NO  
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

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PRAVINBHAI DHIRAJLALBHAI DHANANI

Versus

CHIEF OFFICER

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Appearance:

1. Special Civil Application No. 530 of 2001  
MR DC SEJPAL for Petitioner No. 1  
MR TUSHAR MEHTA for Respondent No. 1  
MR AD OZA, GOVERNMENT PLEADER for Respondent No. 2
  2. Special Civil Application No. 11415 of 2000  
MR PH PATHAK for Petitioner No. 1  
MR TUSHAR MEHTA for Respondent No. 1
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Date of decision: 24/07/2003

ORAL JUDGEMENT

Heard learned advocates Mr.Sejpal and Mr.P.H.Pathak on behalf of petitioner, learned advocate Mr.Tushar Mehta on behalf of Amreli Municipality and learned Government Pleader, Mr.A.D.Oza appearing on behalf of state authority.

2) I have considered the submissions made by all the learned advocates in respect to these two matters, wherein the references of the petitioners concerned are pending before the Industrial Tribunal, Bhavnagar. When petitioners having alternative remedy to approach to the Industrial Tribunal for pending references by filing necessary applications under Section 10 Sub-clause (4) of the Industrial Disputes Act, 1947 for necessary relief against the Municipality and State Government and, therefore, according to my opinion it is better in the interest of the petitioners to approach the concerned Industrial Tribunal where the references in respect to the petitioners are pending about permanency and they may file necessary applications for relief under Section 10, Sub-clause (4) of the I.D.Act, 1947. Therefore, these petitions on that ground are not entertained by this Court and it is open for the petitioners to approach by filing necessary application before the concerned Industrial Tribunal, where the reference in respect to the petitioners are pending. As and when such application will be received by the concerned Industrial Tribunal in pending reference in respect to the petitioners, it is directed to the concerned Industrial Tribunal to examine the application and consider the same and pass appropriate orders in accordance with law, after giving reasonable opportunity of hearing to the respective parties. However, it is made clear that in case if the applications of the petitioners are rejected or any adverse orders will be passed by the Industrial Tribunal then it is open for the petitioner to challenge the same before the appropriate forum in accordance with law.

3) In view of the above observations and directions these two petitions are disposed of. Rule is discharged.

(H.K.Rathod, J.)

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